

**REPORT TO: PORTCHESTER CREMATORIUM JOINT COMMITTEE –
28 SEPTEMBER 2009**

REPORT BY: CLERK TO THE JOINT COMMITTEE

**PORTCHESTER CREMATORIUM - PROTOCOL FOR STAFF ON GIFTS,
HOSPITALITY, BEQUESTS AND SPONSORSHIP**

1 Purpose

- 1.1 To approve a protocol for staff on gifts, hospitality, bequests and sponsorship, and to confirm arrangements to be followed by members of the Joint Committee.

2 RECOMMENDATIONS

- (1) That the protocol for staff on gifts, hospitality, bequests and sponsorship, set out in Appendix A, be approved.**
- (2) That a member offered a gift or hospitality arising from their role as a member of the Joint Committee should provide details to their own authority's monitoring officer in accordance with the code of conduct for members.**

3. Background

- 3.1 As the Joint Committee comprises elected councillors from four local authorities it is recognised that within those authorities the Council's themselves will have already adopted various codes and protocols. Although it has been envisaged that it would be for the respective local authority to apply its codes and protocols to any matter raised by one of its members or the public from within its area, the Crematorium Governance Assurance Group reported through the Annual Governance Statement that it would now be appropriate to review that arrangement and develop policies tailored specifically to the crematorium function.
- 3.2 Each of the constituent authorities has adopted policies or protocols in respect of gifts and hospitality, which in some cases also includes bequests and sponsorship. These policies apply to staff with similar policies applying to members. It is therefore appropriate for the Joint Committee to adopt such a policy, it being a matter identified for action in the Annual Governance Statement approved by the Joint Committee in September 2008.
- 3.3. For any policy to be effective it is essential that the principles of the policy are communicated to all staff including the part time officers and its application monitored and reviewed.

3.4 Building upon good practice, there is a need to ensure that -

- a standard form and register format is used and is accessible centrally;
- managers have training and guidance on what is and is not acceptable;
- staff are made aware of the requirements and procedures;
- the register is readily accessible to and regularly reviewed by the Clerk to the Joint Committee
- dates, including those for entries being made in the register, is clearly shown
- details are recorded of all 'work' which a donor is interested in securing.

4. The Proposed Protocol for staff

- 4.1 In drafting this protocol, I have taken into account the arrangements adopted by each of the 4 authorities, not only in respect of staff but also the requirements for members under the Code of Conduct. I considered this appropriate to ensure, as far as possible, that as the Joint Committee's policies and protocols are revised there develops common rules for the expected conduct of both officers and members.
- 4.2 A fundamental principle underlying the protocol is that the public have a right to expect the highest standards of conduct from all officers. To ensure this expectation is met, it is felt that clear guidance on the receipt of gifts, hospitality, bequests and sponsorship may be needed.
- 4.3 An essential principle in the protocol is that officers should not accept personal gifts, hospitality, bequests and sponsorship. The exception to this is that small gifts may be accepted, if refusal may cause offence and that the gift, or hospitality offered, is given as a token of thanks.
- 4.4 Establishing a financial limit, which defines a small gift or level of hospitality, is extremely difficult. An appropriate starting point would be to impose the same financial limit for officers as for members under the Code of Local Government Conduct. However, having reviewed each of the constituent authorities policies for employees a general limit of £20 is suggested.
- 4.5 To ensure complete openness, the records contained within this system will be available to the public to view at Portchester Crematorium, and possibly later on the Crematorium's web site. The records will show whether gifts, hospitality, bequests and sponsorship have been either accepted or rejected.

5. The Protocol's Role as part of the Joint Committee's Ethical Framework

- 5.1 The proposed protocol will form an integral part of the governance framework of the Joint Committee. Together with a number of other policies and protocols, which are being reviewed, it will play an important part in enhancing the sound governance arrangements for the Joint Committee.
- 5.2 For any protocol to be effective it is essential that the principles of the protocol are communicated to all staff (both full and part time officers) and its application monitored and reviewed.
- 5.3 To ensure that the application of the protocol is monitored, reviews of the protocol will be undertaken periodically by the Joint Committee. This will also allow recommendations to be made on the further development of the protocol taking note of other good practice that may have developed elsewhere.

6 Members of the Joint Committee

- 6.1 Members, upon taking office within each of the constituent authorities, will have signed and be bound by the code of conduct for members, which includes provision that –

‘A member must within 28 days of receiving any gift or hospitality over the value of £25, provide written notification to the authority’s monitoring officer of the existence and nature of that gift or hospitality.’

- 6.2 The most appropriate course of action for a member receiving any gift or hospitality, arising from their membership of the Joint Committee, would be for them to supply the details to their own authority’s monitoring officer in accordance with the code of conduct and any additional arrangements agreed by their respective authority.

7. Conclusion

- 7.1 The Joint Committee is asked to approve the protocol in the form set out in Appendix A.

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John Haskell
Clerk to the Joint Committee

Background List of Documents: None

APPENDIX A

PORTCHESTER CREMATORIOUM JOINT COMMITTEE

PROTOCOL FOR STAFF ON GIFTS, HOSPITALITY, BEQUESTS AND SPONSORSHIP

The public has the right to expect the highest standard of conduct from all staff employed by the Portchester Crematorium Joint Committee (PCJC) and any departure from this standard would always be regarded as a serious matter.

One area where guidance may be required to staff to ensure that their conduct meets public expectation is in relation to the receipt of gifts and hospitality.

Employees should not therefore accept gifts, hospitality, bequests or sponsorship in a personal capacity.

However, it is understood that in certain circumstances it may cause offence e.g. where the gifts are small tokens of thanks from appreciative members of the public

1 Decision to accept a gift or hospitality

You must obtain the consent of your Manager¹ before accepting a gift or hospitality.

If you are in any doubt the gift or hospitality must be declined.

2 Gifts which may be accepted

You may accept a gift if it is under £20 in value and

- no ulterior motive is apparent, and
- there is no danger of misinterpretation by the public, and
- such gifts have not become a frequent occurrence

This includes small tokens of thanks from appreciative members of the public and promotional items such as pens, diaries, calendars, etc., that are routinely sent out by the various companies and organisations with which the PCJC does business.

¹ The Registrar and Manager will be responsible for granting or refusing consent for Crematorium staff;
The Clerk to the Joint Committee (or in his absence the Treasurer) will be responsible for granting or refusing consent in respect of part time officers and the Manager and Registrar.

- If a gift over the value of £20 is offered it should not be accepted unless refusal would cause offence, in which case the gift must be donated to the Mayor of Fareham's Appeal raffle.

3 Gifts which must not be accepted

- Gifts over £20 in value, subject to the exception above
- Gifts of cash
- Gifts from a person with whom the PCJC may contract or is in contract negotiations
- Gifts from a person where you may be required to formulate recommendations to the PCJC, or you could influence the recommendations of others
- Gifts where you are monitoring the service provided by the person on behalf of the PCJC

4 Hospitality

Hospitality cannot be accepted if it is offered to you in your personal capacity. It may be accepted if you are receiving hospitality on behalf of the PCJC and you have the prior approval of your Manager.

In all cases you should consider the impression that the acceptance of the hospitality will make in the minds of the public. In particular –

- Is the hospitality offered in proportion or might there be a hidden motive?
- Has it been offered only to you or to others as well?
- Are they conducting business with the PCJC?
- Does or might the person offering it contract with the PCJC or are they in contract negotiations?
- Is the hospitality from a person where you may be required to formulate recommendations to the council, or you could influence the recommendations of others?
- Is the hospitality offered from someone where you are monitoring the service provided by the person on behalf of the PCJC?
- If you have any doubt then you should decline the hospitality.

5 Bequests

You must actively discourage any bequest or donation being made to you and decline any of which you become aware. If you become aware that such a bequest or donation has been made, or may be made, you must tell the Clerk to the Joint Committee as soon as possible.

Wherever possible, the bequest or donation will be declined or returned to the estate of the person who made the bequest. If this is not possible, the bequest or donation will be given to the Mayor of Fareham's Appeal.

6 Sponsorship and financial support

Any offer of sponsorship or financial support to a member of staff will be treated in the same manner as a gift and should be declined unless approved by your Manager and may in any event only be for charitable purposes.

7 All gifts and hospitality offered must be registered

Whether a gift or hospitality is **accepted** or **declined**, and whether it is over or under £20 in value, it is your personal responsibility to register it, the source of the gift or hospitality and the reason for it.

You must do so within seven days of receiving or declining it. The register will be kept at Portchester Crematorium (The Registrar and Manager's office) and will be available for public inspection.

If the gift or hospitality is accepted as part of the registration your manager will be required to confirm that:-

- they approve of the acceptance of the gift or hospitality and
- this protocol has been complied with

8 Effect of registering a gift or hospitality

You automatically have a **personal interest** in a matter under consideration by the PCJC if it is likely to affect a person who gave you a gift. If that is the case, you must, at the earliest opportunity, declare the existence and nature of the gift or hospitality, the person who gave it to you, how the business under consideration relates to that person, and then take no further involvement in the PCJC's consideration of the matter.

9 Annual report on compliance and review of policy

The Clerk to the Joint Committee will report annually to the Portchester Crematorium Joint Committee on compliance with this protocol.

The Clerk and the Treasurer to the Joint Committee will review compliance with the policy annually and make recommendations to the PCJC arising from its implementation.

JH/me
September 2009